

## Message Text

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73

ORIGIN L-03

INFO OCT-01 IO-14 ISO-00 NEA-10 ACDA-19 DODE-00 OIC-04

CIAE-00 INR-10 NSAE-00 RSC-01 DPW-01 PM-07 NSC-07

SPC-03 SS-20 /100 R

DRAFTED BY L:SMSCHWEBEL/MBFELDMAN:CDJ

APPROVED BY IO:WBBUFFUM

IO/UNP:JKIMBALL

L/UNA:ASURENA

L/NEA:SNELSON

L:JWILLIS (SUBS)

NEA:RDAVIES

----- 084166

P R 252348Z MAR 74

FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK PRIORITY

INFO USMISSION GENEVA

C O N F I D E N T I A L STATE 059761

E.O. 11652: GDS

TAGS: UN, PFOR

SUBJ: DEFINITION OF AGGRESSION

1. IN REVIEWING DRAFT DEFINITION OF AGGRESSION AS IT IS NOW BEFORE THE COMITE, PARTICULARLY ARTICLE 3 ON "ACTS PROPOSED FOR INCLUSION," WE NOTE THAT THERE IS NOWHERE REFERENCE TO VIOLATION OF CEASE-FIRE ORDERS BY SECURITY COUNCIL OR TO VIOLATION OF CEASE-FIRE OR ARMISTICE AGREEMENTS.

2. WE WOULD SEE ADVANTAGE IN DEFINITION COVERING THESE POINTS, OR, MINIMALLY, THAT OF VIOLATION OF SC CEASE-FIRE ORDERS. AT THE SAME TIME, WE APPRECIATE THAT PROPOSAL OF SUCH A CLAUSE NOW WOULD COME BELATEDLY AND AT A POLITICALLY DELICATE TIME WHEN ARGUABLE VIOLATION OF SC CEASE-FIRE RESOLUTIONS IS FRESH.

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3. WE WOULD ACCORDINGLY APPRECIATE YOUR COMMENTS ON WHETHER YOU WOULD FIND INTRODUCTION OF A TEXT SUCH AS FOLLOWS WORKABLE. WE WOULD NOT WISH IT TO BE INTRODUCED IF ITS INTRODUCTION WOULD, IN JUDGMENT OF USDEL, POSE SERIOUS POLITICAL PROBLEMS OR PROMISE TO MATERIALLY PREJUDICE POSSIBILITIES OF REACHING AGREEMENT ON A SATISFACTORY DEFINITION OF AGGRESSION AT THIS SESSION.

4. ONE RENDERING WOULD BE A PREAMBULAR PROVISION, PERHAPS AS A NEW PREAMBULAR PARA. 3, PROVIDING: "HAVING REGARD TO THE GOAL OF THE UNITED NATIONS CHARTER OF ESTABLISHING CONDITIONS UNDER WHICH JUSTICE AND RESPECT FOR THE OBLIGATIONS ARISING FROM TREATIES AND OTHER SOURCES OF INTERNATIONAL LAW CAN BE MAINTAINED".

5. AN ALTERNATIVE WOULD BE A PREAMBULAR PARA. SUCH AS: "CONSIDERING THAT THE MEMBERS OF THE UNITED NATIONS AGREE TO ACCEPT AND CARRY OUT THE DECISIONS OF THE SECURITY COUNCIL IN ACCORDANCE WITH THE CHARTER,".

6. FAILING ANY OF THESE POSSIBILITIES, APPRECIATE USDEL'S VIEWS ON MAKING APPROPRIATE REFERENCES IN DEBATE AND HAVING DESIRABLE INTERPRETATIONS APPEAR IN RECORD. RUSH

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## Message Attributes

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**Disposition Date:** 28 MAY 2004  
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